



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB1772

by Rep. Brian W. Stewart

SYNOPSIS AS INTRODUCED:

225 ILCS 447/31-10
225 ILCS 447/31-15

Amends the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. Provides that the requirement for licensure that an applicant must submit certification issued by the Department of State Police that the applicant's fingerprinting equipment and software meets all specifications required by the Department of State Police applies to fingerprint vendor agencies (rather than fingerprint vendors), and that the requirement is a continuing requirement for licensure. Adds as a qualification for licensure as a fingerprint vendor that an applicant provides proof of compliance with the Department fingerprinting equipment and software specifications if the applicant is not required to obtain a fingerprint vendor agency license under the Act. Effective immediately.

LRB100 05701 SMS 15723 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Private Detective, Private Alarm, Private
5 Security, Fingerprint Vendor, and Locksmith Act of 2004 is
6 amended by changing Sections 31-10 and 31-15 as follows:

7 (225 ILCS 447/31-10)

8 (Section scheduled to be repealed on January 1, 2024)

9 Sec. 31-10. Qualifications for licensure as a fingerprint
10 vendor.

11 (a) A person is qualified for licensure as a fingerprint
12 vendor if he or she meets all of the following requirements:

13 (1) Is at least 18 years of age.

14 (2) Has not been convicted of any felony in any
15 jurisdiction or at least 10 years have elapsed since the
16 time of full discharge from a sentence imposed for a felony
17 conviction.

18 (3) Is of good moral character. Good moral character is
19 a continuing requirement of licensure. Conviction of
20 crimes other than felonies may be used in determining moral
21 character, but shall not constitute an absolute bar to
22 licensure, except where the applicant is a registered sex
23 offender.

1 (4) Has not been declared by any court of competent
2 jurisdiction to be incompetent by reason of mental or
3 physical defect or disease, unless a court has subsequently
4 declared him or her to be competent.

5 (5) Is not suffering from dependence on alcohol or from
6 narcotic addiction or dependence.

7 (6) Has not been dishonorably discharged from the armed
8 forces of the United States.

9 (7) Submits certification issued by the Department of
10 State Police that the applicant has successfully completed
11 a fingerprint vendor training course conducted or
12 authorized by the Department of State Police.

13 (8) Submits his or her fingerprints, in accordance with
14 subsection (b) of this Section.

15 (9) Has not violated any provision of this Act or any
16 rule adopted under this Act.

17 (10) Provides evidence satisfactory to the Department
18 that the applicant has obtained general liability
19 insurance in an amount and with coverage as determined by
20 rule. Failure to maintain general liability insurance and
21 failure to provide the Department with written proof of the
22 insurance, upon request, shall result in cancellation of
23 the license without hearing. A fingerprint vendor employed
24 by a licensed fingerprint vendor agency may provide proof
25 that his or her actions as a fingerprint vendor are covered
26 by the liability insurance of his or her employer.

1 (11) Pays the required licensure fee.

2 (12) (Blank). ~~Submits certification issued by the~~
3 ~~Department of State Police that the applicant's~~
4 ~~fingerprinting equipment and software meets all~~
5 ~~specifications required by the Department of State Police.~~
6 ~~Compliance with Department of State Police fingerprinting~~
7 ~~equipment and software specifications is a continuing~~
8 ~~requirement for licensure.~~

9 (13) Submits proof that the applicant maintains a
10 business office located in the State of Illinois.

11 (14) Provides proof of compliance with subsection (e)
12 of Section 31-15 of this Act if the applicant is not
13 required to obtain a fingerprint vendor agency license
14 pursuant to subsection (b) of Section 31-15 of this Act.

15 (b) Each applicant for a fingerprint vendor license shall
16 have his or her fingerprints submitted to the Department of
17 State Police in an electronic format that complies with the
18 form and manner for requesting and furnishing criminal history
19 record information as prescribed by the Department of State
20 Police. These fingerprints shall be checked against the
21 Department of State Police and Federal Bureau of Investigation
22 criminal history record databases now and hereafter filed. The
23 Department of State Police shall charge applicants a fee for
24 conducting the criminal history records check, which shall be
25 deposited in the State Police Services Fund and shall not
26 exceed the actual cost of the records check. The Department of

1 State Police shall furnish, pursuant to positive
2 identification, records of Illinois convictions to the
3 Department. The Department may require applicants to pay a
4 separate fingerprinting fee, either to the Department or
5 directly to the vendor. The Department, in its discretion, may
6 allow an applicant who does not have reasonable access to a
7 designated vendor to provide his or her fingerprints in an
8 alternative manner. The Department, in its discretion, may also
9 use other procedures in performing or obtaining criminal
10 background checks of applicants. Instead of submitting his or
11 her fingerprints, an individual may submit proof that is
12 satisfactory to the Department that an equivalent security
13 clearance has been conducted. Also, an individual who has
14 retired as a peace officer within 12 months of application may
15 submit verification, on forms provided by the Department and
16 signed by his or her employer, of his or her previous full-time
17 employment as a peace officer.

18 (Source: P.A. 95-613, eff. 9-11-07.)

19 (225 ILCS 447/31-15)

20 (Section scheduled to be repealed on January 1, 2024)

21 Sec. 31-15. Qualifications for licensure as a fingerprint
22 vendor agency.

23 (a) Upon receipt of the required fee, compliance with
24 subsection (e) of this Section, and proof that the applicant
25 has a full-time Illinois licensed fingerprint vendor

1 licensee-in-charge, which is a continuing requirement for
2 agency licensure, the Department may issue a license as a
3 fingerprint vendor agency to any of the following:

4 (1) An individual who submits an application and is a
5 licensed fingerprint vendor under this Act.

6 (2) A firm that submits an application and all of the
7 members of the firm are licensed fingerprint vendors under
8 this Act.

9 (3) A corporation or limited liability company doing
10 business in Illinois that is authorized to engage in the
11 business of conducting a fingerprint vendor agency if at
12 least one officer or executive employee is a licensed
13 fingerprint vendor under this Act and all unlicensed
14 officers and directors of the corporation or limited
15 liability company are determined by the Department to be
16 persons of good moral character.

17 (b) An individual licensed as a fingerprint vendor
18 operating under a business name other than the licensed
19 fingerprint vendor's own name shall not be required to obtain a
20 fingerprint vendor agency license if that licensed fingerprint
21 vendor does not employ any persons to provide fingerprinting
22 services. However, in either circumstance, the individual
23 shall comply with the requirements of subsection (e) of this
24 Section as a requirement for licensure.

25 (c) No fingerprint vendor may be the licensee-in-charge for
26 more than one fingerprint vendor agency. Upon written request

1 by a representative of the agency, within 10 days after the
2 loss of a licensee-in-charge of an agency because of the death
3 of that individual or because of the termination of the
4 employment of that individual, the Department shall issue a
5 temporary certificate of authority allowing the continuing
6 operation of the licensed agency. No temporary certificate of
7 authority shall be valid for more than 90 days. An extension of
8 an additional 90 days may be granted upon written request by
9 the representative of the agency. Not more than 2 extensions
10 may be granted to any agency. No temporary permit shall be
11 issued for loss of the licensee-in-charge because of
12 disciplinary action by the Department related to his or her
13 conduct on behalf of the agency.

14 (d) Upon issuance of the temporary certificate of authority
15 as provided for in subsection (c) of this Section and at any
16 time thereafter while the temporary certificate of authority is
17 in effect, the Department may request in writing additional
18 information from the agency regarding the loss of its
19 licensee-in-charge, the selection of a new licensee-in-charge,
20 and the management of the agency. Failure of the agency to
21 respond or respond to the satisfaction of the Department shall
22 cause the Department to deny any extension of the temporary
23 certificate of authority. While the temporary certificate of
24 authority is in effect, the Department may disapprove the
25 selection of a new licensee-in-charge by the agency if the
26 person's license is not operative or the Department has good

1 cause to believe that the person selected will not fully
2 exercise the responsibilities of a licensee-in-charge. If the
3 Department has disapproved the selection of a new
4 licensee-in-charge and the temporary certificate of authority
5 expires or is about to expire without the agency selecting
6 another new licensee-in-charge, the Department shall grant an
7 extension of the temporary certificate of authority for an
8 additional 90 days, except as otherwise prohibited in
9 subsection (c) or this subsection (d).

10 (e) An applicant shall submit certification issued by the
11 Department of State Police that the applicant's fingerprinting
12 equipment and software meets all specifications required by the
13 Department of State Police. Compliance with Department of State
14 Police fingerprinting equipment and software specifications is
15 a continuing requirement for licensure.

16 (Source: P.A. 98-253, eff. 8-9-13.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.